

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

UNITED STATES OF AMERICA )  
                                ) Case No. 4:16-cr-11  
v.                             )  
                                ) Judge Travis R. McDonough  
BILLY GENE FUQUA            )  
                                ) Magistrate Judge Susan K. Lee  
                                )

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**ORDER**

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Magistrate Judge Susan K. Lee filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count One of the twelve count Indictment; (2) accept Defendant's plea of guilty to the lesser offense of the charge in Count One of the Indictment, that is of conspiracy to distribute and possess with intent to distribute a mixture and substance containing a detectable amount of methamphetamine (actual), a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C); (3) adjudicate Defendant guilty of the lesser offense of the charge in Count One of the Indictment, that is of conspiracy to distribute and possess with intent to distribute a mixture and substance containing a detectable amount of methamphetamine (actual), a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C); (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter. (Doc. 58.) Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the

magistrate judge's report and recommendation (Doc. 58) pursuant to 28 U.S.C. § 636(b)(1) and  
**ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to Count One of the Indictment is **GRANTED**;
2. Defendant's plea of guilty to the lesser offense of the charge in Count One of the Indictment, that is of conspiracy to distribute and possess with intent to distribute a mixture and substance containing a detectable amount of methamphetamine (actual), a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C) is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of the lesser offense of the charge in Count One of the Indictment, that is of conspiracy to distribute and possess with intent to distribute a mixture and substance containing a detectable amount of methamphetamine (actual), a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C);
4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **January 13, 2017 at 2:00 p.m. [EASTERN]** before the undersigned.

/s/Travis R. McDonough

**TRAVIS R. MCDONOUGH**  
**UNITED STATES DISTRICT JUDGE**